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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/049,397	02/11/2002	Alexander Aschir	112740-518	3844

29177 7590 04/21/2005
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EXAMINER

PHAN, HUY Q

ART UNIT PAPER NUMBER

2687

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/049,397

Applicant(s)

ASCHIR ET AL.

Examiner

Huy Q Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9, 10 and 17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9, 10 and 17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office Action is in response to Amendment filed on date: 01/06/2005.
Claims 9, 10 and 17 are still pending.

Response to Arguments

2. Applicant's arguments with respect to claims 9, 10 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salmela et al. (US-6,516,193) in view of Keller et al. (US-6,496,689).

Regarding claim 9, Salmela et al. disclose a method for monitoring a position of a mobile communication terminal for location dependent telecommunication services (fig. 1 and its description) and an active voice connection (col. 12, lines 50-63), the method comprising the steps of:

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obtaining, via a service control center (fig. 1 and col. 6, lines 36-64) in the mobile radio network, a first information item relating to the position of the mobile communication terminal within the mobile radio network from the mobile communication terminal when a connection for a call is set up (fig. 1, lines 50-54);

using the first position information item by selected location dependent telecommunication services (fig. 1, col. 12, lines 51-57);

updating the position of the mobile communication terminal during the call (col. 11, lines 4-19; also see fig. 1 and col. 12, line 44-col. 13, line 9);

using, by the service control center (fig. 1 and col. 6, lines 36-64), a change of position established during the call which has been set up to obtain a second position information item from the mobile communication terminal (col. 12, line 51-col. 13, line 9); and

using the second position information item by the telecommunication services (col. 13, lines 2-9);

wherein location information available in the mobile communication terminal is ascertained by an SIM tool kit available at the mobile communication terminal (col. 4, lines 29-65). But, Salmela et al. do not particularly show wherein the position update is SCP initiated and transmitted by a USSD request with time interval of the update being service-specific. However in analogous art, Keller et al. teach wherein the position update is SCP (network node) initiated (col. 5, lines 1-22) and transmitted by a USSD request with time interval of the update (fig. 5 and col. 9, lines 27-38) being service-specific (col. 10, lines 1-7). Since, Salmela et al. and Keller et al. are related to the

method of exchanging the unstructured supplementary service data (USSD) between the mobile station and the SCP in the wireless communication; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Salmela et al. as taught by Keller et al. for purpose of providing advantageously the needed information such as the service charges based on time-specific, location-specific and service-specific criteria of the user.

Regarding claim 10, Salmela et al. and Keller et al. disclose the method for monitoring a position of a mobile communication terminal as claimed in claim 9. Keller et al. further disclose the method comprising the steps of making billing for a telecommunication service dependent on the position information item for the mobile communication terminal to be billed (see fig. 3 and its description); and adjusting the billing for the telecommunication service if a change in the position of the terminal is established ("change of charging information during call" see fig. 4 and its description).

Regarding claim 17, Salmela et al. and Keller et al. disclose the method for monitoring a position of a mobile communication terminal as claimed in claim 9. Salmela et al. further disclose the method comprising the step of transmitting a position information item by Short Message Service (col. 4, lines 35-45).

Conclusion

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3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

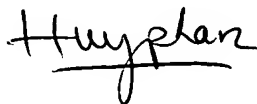
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Examiner: Phan, Huy Q.



SONNY TRINH
PRIMARY EXAMINER

AU: 2687

Date: Apr. 14, 2005